

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

FILED

NOV 12 2010

RECEIVED BY CLERK
By _____ Dep. Clerk

BERISH BERGER, et al.,)

NOTICE OF APPEAL

Plaintiffs,)

Civil Action No. 08-5861; 08-4059¹

v.)

RICHARD ZEGHIBE, et al.,)

Defendants.)

Notice is hereby given that Eli Weinstein and Pine Projects, LLC, defendants in the above-captioned case, hereby appeal to the United States Court of Appeals for the Third Circuit from the following:

1. The Memorandum and Order entered on September 27, 2010 denying Weinstein's post-trial motions, including a motion to alter or amend judgment and for a new trial [DE 291; 292];²
2. The Judgment and Amended Judgment entered in this case respectively on August 2, 2010 [DE 254] and on August 9, 2010 [DE 257] and the jury verdict giving rise to such Judgment;
3. All prior Orders entered in this case affecting these defendants, including but not limited to Orders denying defendants' Motions in Limine [e.g. DE 234 entered July 16, 2010; DE 219 entered July 9, 2010; DE 211 entered July 8, 2010], the Order denying defendants' Motion to Dismiss [DE 88]; and the Order denying defendants' Spoliation Motion and permitting Plaintiff's

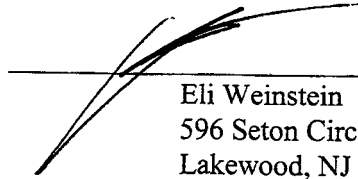
¹ On October 27, 2009, the Court ordered a consolidation of these two cases [DE 78]. Docket entry references are to the docket in 08-5861.

² This Notice of Appeal is timely in that it is being filed within 30 days from the Court's denial of a co-defendant's post-trial motion. *See* Rules 4 (a)(1); 4 (a)(4)(A), Federal Rules of Appellate Procedure and DE 295;296, entered October 15, 2010.

use of expert testimony on the subject [DE 133 entered June 10, 2010].

November 11, 2010

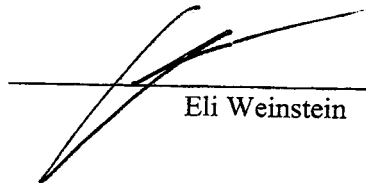
Respectfully Submitted.



Eli Weinstein
596 Seton Circle
Lakewood, NJ 08701
On his own behalf and as a Member of
Pine Projects, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 12th Day of November, 2010, I served a true and accurate copy of the foregoing Notice of Appeal on all current counsel of record listed below by mailing the same to them via the U.S. mail, proper postage prepaid at the addresses listed for them on the docket sheet in this case.



Eli Weinstein

Louis I. Lipsky, Esq.
Lipsky & Brandt
Aramark Tower Suite 2820
1101 Market Street
Philadelphia, PA 19107

Richard C. Seltzer, Esq.
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

Anne R. Myers, Esq.
Kaufman Dolowich Voluck & Gonzo LLP
1777 Sentry West
Gwynedd Hall - Suite 301
Blue Bell, PA 19422

Antoinette R. Stone, Esq.
Brown Stone Nimeroff LLC
2001 Market Street
Suite 3420
Philadelphia, PA 19103

Brian Perini, Esq.
3103 Philmont Avenue, Suite 301
Huntingdon Valley, PA 19006

Lisa Chadwick Thompson, Esq..
Nuzzi & Mason, LLC
50 Nelson Street
Dover, NJ 07101